

August 30, 2013

***Via Federal Express***

Clerk of the Court  
U.S. District Court  
450 Golden Gate Avenue  
San Francisco, CA 94102

**FILED**  
2013 SEP -3 P 3:35  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Re: *Nwabueze et al v. AT&T et al.*, Class Action; Case No. 09-cv-1529 SI  
United States District Court for the Northern District of California

Dear Clerk of Court:

Please accept this letter as my objection to the proposed class action settlement, the award of excessive attorneys' fees to class counsel, and the Court's approval of the settlement in the above referenced class action lawsuit. The proponents of this settlement have not met their burden to show that the settlement is fair, reasonable, and adequate.

I am class member who received a postcard notice because AT&T's records indicated that I had been billed for third-party charges on my AT&T landline telephone bill between January 1, 2005 and January 14, 2013. To the best of my knowledge, I did not authorize these charges.

On August 29, 2013, I submitted a billing summary request online, which generated the following:

Confirmation #: 11C1EC1A45

Control #: 8168114254

My name, address, and phone number are:

Gordon Morgan  
4701 Ayers Street  
Suite 105  
Corpus Christi, TX 78415  
(361) 887-4700

I additionally object on the following grounds:

Objection is made based on the proposed award of attorneys' fees, which is excessive under both a lodestar and a percentage of recovery methodologies. Objection is made to the extent of the failure of class counsel to make a detailed attorneys' fee and expense application within a reasonable and adequate amount of time for objectors to evaluate the fee and expense application. There is no way to determine the amount to be paid to class members until well after the December 2, 2013

deadline for submitting billing summary requests, yet the fairness hearing will be held on November 1., 2013. There will be no way for the court to determine if the \$5.5 million in requested fees is reasonably proportional to the amount the class will receive, thus fairness cannot be established.

Objection is made to the insufficiency of the notice. The Settlement references a request for fees in an amount of \$5,500,000, but gives no further information with which to assess fairness.

Additional objection is made to the \$5,000 incentive awards to each class representative as excessive

Objection is also made to the inadequacy of the notice found on the settlement website and the postcard notice. Neither explicitly defines who is a class member.

Objection is made that the proponents of this settlement have not met their burden to show that the settlement is fair, reasonable, and adequate.

Objection also is made to the overly broad release.

I also object to the proponents of the settlement not sustaining their burden of proof on commonality, predominance, superiority and adequacy of class counsel and class representatives under Federal Rule of Civil Procedure 23.

Objection is made to any procedures or requirements to object that require information or documents other than those that are contained herein to the extent that such requirements are unnecessary, unduly burdensome, are calculated to drive down the number and quality of objections to the settlement and violate objectors' due process rights and Rule 23(e)(5).

I will not attend the fairness hearing.

I join in and incorporate herein by reference any and all objections filed by other objectors as though set forth in full, to the extent not inconsistent with the specific objections made herein.

Sincerely,



Gordon Morgan

cc:

***Via Federal Express***

John G. Jacobs  
55 West Monroe Street  
Suite 2970  
Chicago, IL 60603

Douglas R. Tribble  
501 West Broadway  
Suite 1100  
San Diego, CA 92101

**AT&T Third Party Billing Settlement Administrator**  
 c/o The Garden City Group, Inc. ("GCG")  
 Nwabueze v. AT&T, Case No. CV-09-1529 SI  
 P.O. Box 35045  
 Seattle, WA 98124

PRESORTED  
 FIRST-CLASS MAIL  
 U.S. POSTAGE  
 PAID  
 CHICAGO, IL  
 PERMIT NO. 941

**Forwarding Service Requested**



This is only a summary. For complete details, scan this code with your smartphone. It will take you to a website with more detailed information, plus a claim form that you can submit online; OR

CALL: 1-866-242-0603

EMAIL: [info@ATTthirdpartybillingsettlement.com](mailto:info@ATTthirdpartybillingsettlement.com)

GO TO: [www.ATTthirdpartybillingsettlement.com](http://www.ATTthirdpartybillingsettlement.com)

*This is a Court-ordered Notice, read it carefully. Your legal rights may be affected. This is not a solicitation from a lawyer.*

**You Received This Notice Because AT&T's Records Indicate That You Have Been Billed For Third-Party Charges On An AT&T Landline Telephone Account Between January 1, 2005 And January 14, 2013, And If You Did Not Authorize Those Charges You May Be Entitled To A Payment From This Class Action Settlement.**

ATN0967717591



BTN: 3618874700912

0912 05560444 \*\*AUTO\*\*SCH 5-DIGIT 78415  
 23/1130/2

**GORDON B MORGAN P C**  
**4701 AYERS ST STE 105**  
**CORPUS CHRISTI TX 78415-1420**



**CLASS ACTION SETTLEMENT NOTICE**

(Para ver este aviso en Español, se puede visitar [www.ATTthirdpartybillingsettlement.com/Espanol](http://www.ATTthirdpartybillingsettlement.com/Espanol).)

**What is the case about?** Plaintiffs have brought a class action lawsuit against AT&T alleging that unauthorized Third-Party Charges have been placed on AT&T customers' landline telephone bills ("cramming"), in violation of federal and state law. AT&T denies any wrongdoing. Both sides have agreed to settle the lawsuit to avoid the cost, delay, and uncertainty of litigation, and the Settlement has been preliminarily approved by the Court.

**Who is in the Settlement Class?** The Settlement Class is defined as: all present and former AT&T ILEC landline customers in the United States who, at any time from January 1, 2005 through January 14, 2013, had a Third-Party charge placed on the customer's AT&T ILEC landline telephone bill through a Clearinghouse. [AT&T ILEC means an AT&T-affiliated incumbent local exchange carrier, such as Pacific Bell Telephone Company, d/b/a AT&T California, etc.] Any judge handling the action, the U.S. and state governments and government agencies are excluded from the Settlement Class.

**What does the settlement provide?** You may apply for payment of 100% of all unauthorized Third-Party Charges you paid on your AT&T landline phone bills during the Class Period that have not already been reimbursed. Payment amounts may vary considerably among class members, but Class Counsel contend that some class members may have claims of hundreds of dollars or more.

**ALERT: YOUR LEGAL OPTIONS**

**Make a claim for payment:** First, look at your old bills or get a free summary of third-party charges by submitting a Billing Summary Request form to the Settlement Administrator ("GCG"), at the address below, by December 2, 2013. Second, submit a Claim Form to GCG by December 2, 2013 or 30 days after you get your Billing Summary, if you timely requested one, whichever is later. You may use your BTN (Billing Telephone Account Number) to request your free Billing Summary. Your BTN can be found on the front of this card above your name.

**Exclude yourself/Opt out** If you don't want to be legally bound by the settlement, you must exclude yourself. To be excluded, you must mail a signed request to be excluded from *Nwabueze v. AT&T*, with your name, address, and phone number, to GCG (at the address below) received or postmarked by September 2, 2013. If you don't exclude yourself, you won't be able to sue, or continue to sue, AT&T or any other Released Parties about the claims in this case (for a description of Released Parties, go to [www.ATTthirdpartybillingsettlement.com](http://www.ATTthirdpartybillingsettlement.com)).

**Object:** If you do not opt out, you or your lawyer have the right to object to, or comment on, the settlement, Class Counsel's request for attorneys' fees & expenses (\$5,500,000) and/or incentive awards (\$10,000 total), which amounts do not reduce class member payments but are paid in addition by AT&T, by mailing your objection to: John G. Jacobs, 55 West Monroe, Suite 2970, Chicago, IL 60603, and Douglas R. Tribble, 501 West Broadway, San Diego, CA 92101 and filing it with the Clerk of the Court at 450 Golden Gate Avenue, San Francisco, CA 94102 by September 2, 2013.

**Appear in Court:** The Court has scheduled a Final Approval Hearing on November 1, 2013 at 9:00 a.m. at the U.S. District Court, Northern District California, 450 Golden Gate Ave., 19th Floor, Courtroom 10, San Francisco, CA 94102. You may appear at the hearing by yourself or through an attorney if you have submitted an objection, but you do not need to appear unless you wish to.

Address of the Settlement Administrator ("GCG"): Nwabueze v. AT&T Inc., c/o GCG, P.O. Box 35045, Seattle, WA 98124

To get Billing Summary Request Forms, Claim Forms, or more information, contact the Settlement Administrator, Garden City Group ("GCG"), at [www.ATTthirdpartybillingsettlement.com](http://www.ATTthirdpartybillingsettlement.com), 1-866-242-0603, or via email at [info@ATTthirdpartybillingsettlement.com](mailto:info@ATTthirdpartybillingsettlement.com).